

**Finding of No Significant Impact
and
Decision
for
Feral Swine Damage Management
in Oklahoma**

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS) program responds to a variety of requests for assistance from individuals, organizations, and agencies experiencing damage caused by wildlife in Oklahoma. WS activities are conducted in cooperation with other federal, state, and local agencies, as well as private organizations and individuals. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions may be categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). However, WS prepared an environmental assessment (EA) to comply with APHIS NEPA implementing regulations and interagency agreements, to facilitate planning, interagency coordination, streamline program management, and to involve the public. The predecisional EA, released by WS in June 2005, documented the need for feral swine (*Sus scrofa*) damage management (FSDM) in Oklahoma and assessed potential impacts of various alternatives in relation to issues analyzed for responding to feral swine damage problems.

WS' proposed action was to allow the use of all FSDM methods on any lands authorized in the State for the protection of agriculture, property, natural resources, and public safety. WS cooperates closely with the Oklahoma Department of Agricultural, Food, and Forestry (ODAFF), Oklahoma Department of Wildlife Conservation (ODWC), and U.S. Fish and Wildlife Service (USFWS). In Oklahoma, feral swine are not protected except as estrays. WS, under contract, assists landowners and organizations with responding to complaints from feral swine. WS also assists public entities and Tribes with FSDM when requested.

A major overarching factor in determining how to analyze potential environmental impacts of WS' involvement in FSDM is that such management can be conducted by state and local government, or private entities with or without assistance from WS and these groups are not necessarily subject to compliance with NEPA. In fact, WS conducts much of its FSDM as an agent of requesting cooperators that could conduct FSDM themselves. This means that the Federal WS program has limited ability to affect the environmental outcome of FSDM in Oklahoma, except that WS implemented FSDM was determined to have lower risks to nontarget species and the public than some alternatives discussed at depth in the EA. Therefore, WS has limited ability to affect the environmental *status quo*. Despite this limitation of federal decision-making in this situation, this EA process is valuable for informing the public and decision-makers of the substantive environmental issues and alternatives of FSDM for resource protection.

Public Involvement

A total of 4 draft EAs were sent to agencies with professional expertise covering different aspects of the EA for their review and comments. The comments that were received from these agencies were incorporated into the EA. Following interagency review of the draft EA, an EA was prepared and released to the public for a 45-day comment period. The resulting EA was sent directly to 114 interested public and private organizations and individuals. In addition, a "Notice of Availability" of the predecisional EA was published in the Daily Oklahoman, the newspaper with statewide coverage, for 3 consecutive days, May 28-30, 2005. The deadline for comments was July 11, 2005.

Public Comments

A total of 2 comment letters were received in response to the predecisional EA, from environmental and agriculture-related organizations. Both comment letters provided support for the proposed action and WS' continued involvement in FSDM.

Major Issues

Cooperating agencies and the public helped identify a variety of issues deemed relevant to the scope of this EA. These issues were consolidated into the following 4 primary issues that were considered in detail in the predecisional EA:

- ▶ Effects of FSDM on Feral Swine Populations
- ▶ Effects of FSDM on Nontarget Species Populations, Including Threatened and Endangered (T&E) Species
- ▶ Effects of FSDM on Human Health and Safety
- ▶ Humaneness of FSDM Methods Used in FSDM

Affected Environment

The proposed action is to continue conducting FSDM where feral swine are causing damage to agriculture, property, natural resources or public health and safety to private, public, and Tribal properties in Oklahoma. FSDM will only be conducted where the appropriate Agreement for Control or Work Plan is in place allowing FSDM methods to be used and at the request of private landowners, ODAFF, ODWC, Tribal, or other Federal Agencies that manage land. The current program's goal and responsibility is to provide service when requested within the constraints of available funding and manpower.

Alternatives Analyzed in Detail

Four potential alternatives were developed to address the issues identified above. Two additional alternatives were considered, but not analyzed in detail. A detailed discussion of the anticipated effects of the alternatives on the objectives and issues is described in Chapter 4 of the EA. The following summary provides a brief description of each alternative and its anticipated impacts.

Alternative 1. Continue the Current Federal FSDM Program (Proposed Action/No Action). The "No Action" alternative is a procedural NEPA requirement (40 CFR 1502.14(d)), and is a viable and reasonable alternative that could be selected. Consideration of the No Action alternative is required under 40 CFR 1502.14(d), and provides a baseline or the environmental *status quo* for comparing the potential effects with the other alternatives. In this EA, the "No Action" alternative is consistent with CEQ's definition.

In the case of the FSDM EA for Oklahoma, the No Action Alternative was the equivalent of the Proposed Action Alternative and the Current Program. Alternative 1 was determined to benefit individual resource owners/managers, while resulting in only low levels of impact to target and nontarget wildlife populations including T&E species, very low risks to or conflicts with the public, and minimal potential to negatively impact ecosystems. Current lethal methods available for use are fairly selective for target species and appear to present a balanced approach to the issue of humaneness when all facets of the issue are considered. WS responds to requests for FSDM to protect human health and safety, agricultural crops and resources, property, natural resources, T&E species, and forestry in Oklahoma. To meet the goal, WS has the objective of responding to all requests from individual and

corporate landowners, ODAFF, ODWC, other public agencies and Tribes for assistance with, at a minimum, technical assistance or self-help advice, or, where appropriate and where cooperative or congressional funding is available, direct damage management assistance with professional WS Specialists conducting damage management actions. An Integrated Wildlife Damage Management approach would be implemented which allows the use of any legal technique or method, used singly or in combination, to meet the needs of requestors for resolving conflicts with feral swine. Agricultural producers and others requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. In many situations, the implementation of nonlethal methods such as exclusion-type barriers would be the responsibility of the requestor to implement which means that, in those situations, WS's only function would be to implement methods difficult for the requestor to implement, if determined to be necessary. FSDM implemented by WS would be allowed in the State, when requested, on private property sites, public facilities or other locations where a need has been documented, upon completion of an *Agreement for Control*. All management actions would comply with appropriate Federal, state, and local laws.

Alternative 2. Nonlethal FSDM Only By WS. Under this alternative, WS would use only nonlethal methods to reduce damage by feral swine. Private landowners and state agencies would still have the option of implementing their own lethal control measures. Risks to or conflicts with target species would be about the same as Alternative 1. Risks to the public, and nontarget and T&E species, on the whole, including private efforts at FSDM, would probably be somewhat greater than Alternative 1, but slightly less than or about the same as Alternative 3 or 4 because WS would provide some assistance. Program effectiveness would probably be lower than Alternative 1. Personnel experienced in FSDM often already know when and where practical nonlethal control techniques would work. Therefore, this alternative could result in the use of methods that are known to be ineffective in particular situations. Selectivity of FSDM methods under this alternative would likely be less than Alternative 1 if reduced effectiveness leads to greater FSDM efforts by less experienced and proficient private individuals, but greater than Alternatives 2 and 3. The hypothetical use of illegal methods could occur as under Alternative 4, but be similar or slightly higher than under Alternative 1.

Alternative 3. Technical Assistance Only. Under this alternative, WS would not provide any direct control assistance to persons experiencing feral swine damage problems, but would instead provide advice, recommendations, and limited technical supplies and equipment. Lethal FSDM would likely be conducted by persons with little or no experience and training, and with little oversight or supervision. Risks to or conflicts with the public, wetlands, nontarget, and T&E species would probably be more than Alternative 1, but slightly less than or about the same as Alternative 2. The effectiveness of WS and selectivity of FSDM methods would probably be lower than Alternative 1. Finally as discussed above, frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences.

Alternative 4. No Federal WS FSDM. This alternative would consist of no federal involvement in FSDM in Oklahoma. Neither direct operational FSDM nor technical assistance on FSDM techniques would be available from WS. The majority of the formerly federal FSDM assistance would be borne by ODAFF. Private individuals could increase their efforts if ODAFF were unable to respond adequately which means more FSDM would be conducted by persons with less experience and training, and with little oversight or supervision. Risks to the public, nontarget and T&E species, and wetlands would probably be greater than under Alternative 1, and effectiveness and selectivity would probably be lower. In addition, frustrated resource owners that have endured recurring losses may resort to the use of illegal or inappropriate techniques that could result in unknown consequences, and would likely be highest under this alternative.

Alternatives considered but not analyzed in detail were:

1. Compensation for Feral Swine Damage Losses
2. Short Term Eradication and Long Term Population Suppression

Comments regarding the Alternative Selection

The following comments were received regarding the selection of an alternative in the Record of Decision suggesting the commentors' preferred alternative:

1. Support the Proposed Action (2 commentors), but would prefer feral swine eradication.

Finding of No Significant Impact

The analysis in the EA indicated that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of the Proposed Action. I agree with this conclusion and therefore find that an Environmental Impact Statement need not be prepared. This determination is based on the following factors:

1. FSDM, as conducted by WS in Oklahoma, is not regional or national in scope. It is a statewide program and the scope was discussed in the EA. Under the proposed Action, WS would continue to assist individuals and entities with feral swine damage as necessary. Even if WS were not involved, under state law most FSDM would be conducted by private individuals or entities, or state and local government that are not subject to compliance with NEPA.
2. The proposed action would pose minimal risk to public health and safety. No injuries to any member of the public are known to have resulted from WS FSDM activities. In addition, a risk assessment has analyzed the use of FSDM methods by WS (USDA 1997) and these were found to pose only minimal risks to the public, pets, and nontarget wildlife species. This issue was addressed in the EA and the Proposed Action was found to have the least impacts.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected except positively.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to feral swine control, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA, the effects of the proposed FSDM program on the human environment would not be significant. The effects of the activities under the Proposed Action are not highly uncertain and do not involve unique or unknown risks. If WS were unable to respond adequately under the other Alternatives, a potential exists that could involve unique and unknown risks by non-professionals implementing FSDM and frustrated property owners that have been ineffective with FSDM methods resorting to the illegal use of chemicals.
6. The proposed action would not establish a precedent for any future action with significant effects. All issues under the proposed action were discussed thoroughly, and these would not add cumulatively to any known future actions that would result in significant effects.
7. No significant cumulative effects on the quality of the human environment were identified through the EA.

8. The proposed FSDM activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources. If anything, the Proposed Action would have beneficial effects on these resources.
9. An evaluation of the proposed action and its effects on T&E species determined that no significant adverse effects would occur to such species. This is supported by the 1992 Biological Opinion (USDA 1997) and a subsequent Oklahoma WS Biological Assessment with Concurrence from USFWS in 1999. No other T&E species have been listed in Oklahoma since 1999.
10. The proposed action would be in compliance with all Federal, State, and local laws imposed for the protection of the environment. The proposed activity does not violate the Endangered Species Act or any other law. As allowed by State law, FSDM could be conducted by private individuals or entities, or state and local agencies that are not subject to compliance with NEPA if WS were not involved.
11. There were no irreversible or irretrievable resource commitments identified in this EA, except for a minor consumption of fossil fuels for routine operations.

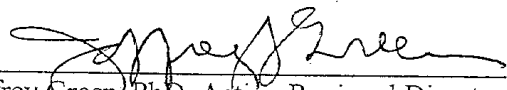
Literature Cited

U.S. Department of Agriculture (USDA). 1997. Animal Damage Control Program Final Environmental Impact Statement. (*Revision*) USDA-APHIS-WS, Operational Support Staff, 6505 Belcrest Rd., Room 820 Federal Bldg, Hyattsville, MD 20782. 314 pp + App.

Decision

I have carefully reviewed the EA and the input resulting from the public involvement process. I believe the issues and objectives identified in the EA would be best addressed through implementation of Alternative 1 (the Proposed or No Action Alternative to continue the current program). Alternative 1 is therefore selected because (1) it offers the greatest chance at maximizing effectiveness and benefits to affected resource owners and managers within current program funding constraints; (2) it will maximize selectivity of methods available; (3) it offers a balanced approach to the issue of humaneness when all facets of the issue are considered; (4) it will continue to minimize risk to or conflicts with the public; and (5) it will minimize risks to nontarget and T&E species. WS in Oklahoma will continue to use an IWDM approach in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA.

For additional information regarding this decision, please contact John Steuber, State Director, USDA-APHIS-WS, 2800 North Lincoln Blvd., Oklahoma City, OK 73105-4298 - (405) 521-4039.


 Jeffrey Green, PhD, Acting Regional Director
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8/8/05
 Date